

U.S. PATENT & TRADEMARK OFFICE
C O N S O L I D A T I O N



COMMENTS ON DRAFT EIS

C. Comments on Draft **EIS**

Comments on the Draft EIS were received from federal, state, regional and local government agencies, private organizations, and interested members of the public. Both written and verbal comments were received. All comments on the Draft EIS that were received by GSA are included in this section of the Final EIS and are presented in the order listed below. All comments on the Draft EIS were reviewed, and all substantive comments are addressed either in the Synthesis, Section B, or in the Errata, Section D. In the margin next to each comment is a number that corresponds to the appropriate synthesized comment in Section B where a detailed response can be found or a reference to the Errata, Section D, where a relevant correction to or clarification of the EIS text is provided. Where a factual comment was made that required GSA's consideration but no revisions to the EIS, the comment was marked as "noted."

*Responses are not provided to those comments that concurred with the Draft EIS.

Comment letters that were received after the close of the review period and did not directly address the Draft EIS are included in the group of "Other Letters on PTO Project." These comment letters have been included in Section C; however, they have not been responded to in the Synthesis, Section B, or Errata, Section D.

Federal Government Comment letters

- Department of the Interior, National Park Service, Superintendent C-1
- Department of the Interior, Office of the Secretary C-3
- Department of the Interior, National Park Service, Associate Superintendent C-4
- Environmental Protection Agency, Region III C-7
- National Capital Planning Commission C-10

State Government Comment Letters

- Virginia Department of Environmental Quality C-32
- Virginia Department of Conservation and Recreation C-37
- Virginia Department of Health C-39
- Virginia Department of Transportation C-40
- Virginia Department of Environmental Quality, Northern Virginia Region C-41
- Virginia Department of Environmental Quality, Office of Air Data Analysis C-42
- Virginia Department of Environmental Quality, VWPP C-45

Regional Government Comment Letters

- Northern Virginia Planning District Commission C-47
- Washington Metropolitan Area Transit Authority C-48

Local Government Comment Letters

- City of Alexandria C-52
- Government of the District of Columbia C-54
- Fairfax County C-55

Private Organizations Comment Letters

- Alexandria Chamber of Commerce C-57
- American Trucking Association/Eisenhower Partnership C-59

• Trammell Crow Real Estate Services, Inc. on behalf of Hoffman Family Limited Partnership..	C-61
• LCOR Incorporated	C-194
• The Old Town Civic Association	C-247
• Patent Office Professional Association..	C-248
• Sonnenschein Nath & Rosenthal in behalf of Charles E. Smith Companies..	C-249
• Waterford Public Relations, Inc..	C-329

Verbal **Comments** at Public Meetings

Transcript from Public Meeting in Arlington, April 29, 1998, with comments from (in the order testimony was given):	C-330
- Christopher Zimmerman..	C-339
- Michael Wilson	C-345
- Nicholas Yost..	C-346
- Richard Hurst..	C-360

Transcript from Public Meeting in Alexandria, April 30, 1998, with comments from (in the order testimony was given):	C-363
- Kerry Donley	C-372
- Robert Jordan..	C-378
- Larry Grossman	C-382
- Katy Cannady..	C-383
- Judy McVay	C-386
- Poul Hertel	C-388
- Nicholas Yost..	C-391
- Ellen Pickering	C-405
- Judy Miller..	C-416
- Michael Perine	C-419
- Allan Kamerow..	C-422
- Ray Whitney	C-427
- Bill Hard..	C-430

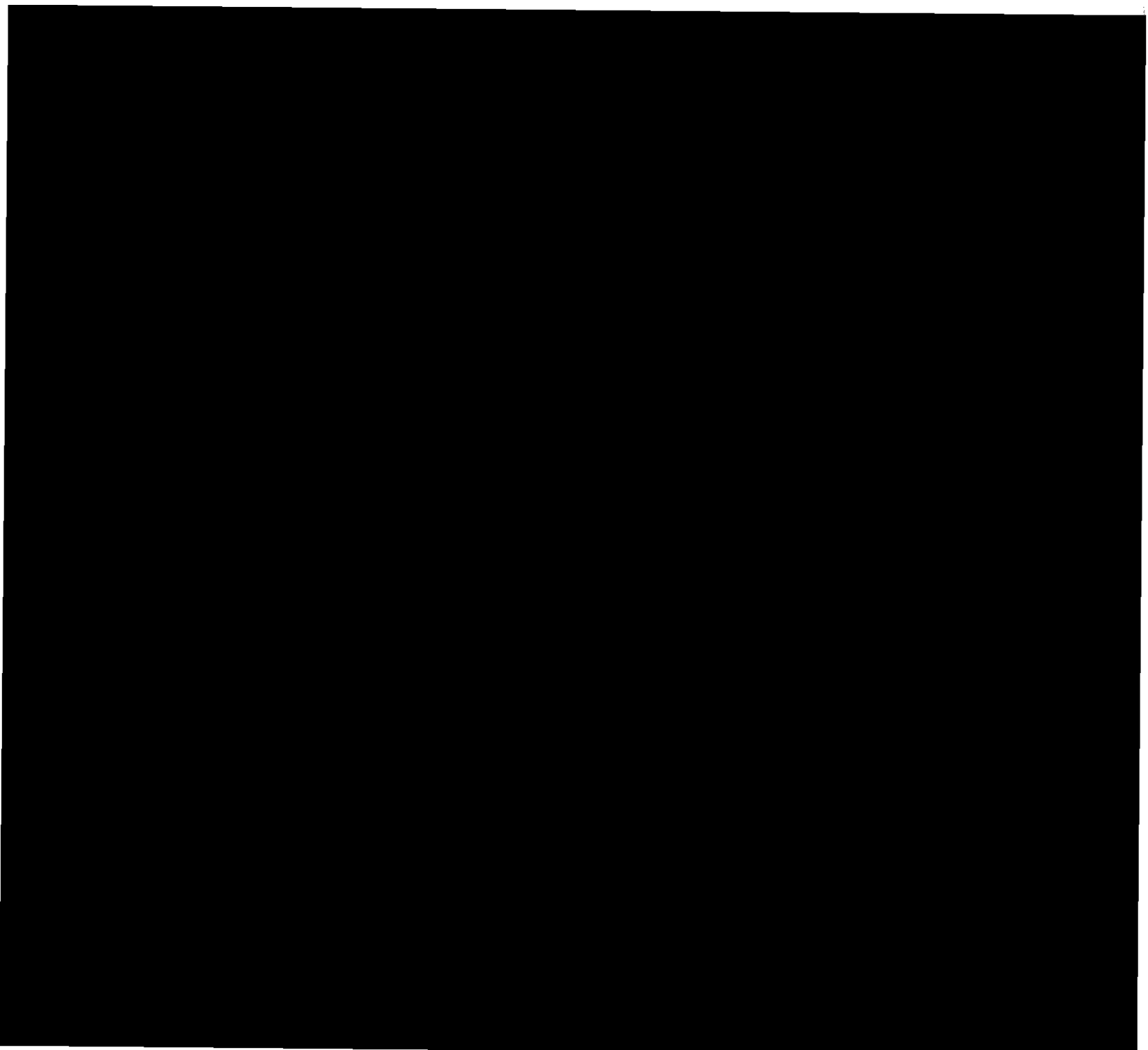
Written Comments at Public Meetings

Christopher Zimmerman, Chairman, Arlington County Board..	C-432
Charles E. Smith Companies	C-439

Other Letters on PTO Project

Curtis and Gloria Brooks	C-492
Mollie E. Cohen..	C-493
Patricia A. Collins	C-494
Carol Galbraith..	C-495
David Ginsburg..	C-497
Dorothy B. Graham..	498
Rhonda L. Grisham	C-500
June Hajjar	C-502
Charles H. and Kathryn M. Huettner	C-503
Elizabeth C.E. Karp	C-504
Herbert L. Karp	C-505
Gregory May..	C506

Doris K. Mela.....	C-507
Gen. and Mrs. Robert Sennewald	C-508
Donna and David Sissan	C-5 10
Sonnenschein Nath & Rosenthal in behalf of Charles E. Smith Companies	C-51 1
Diane Tesler	C-5 19
Ken Williams	C-520



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U.S. PATENT & TRADEMARK OFFICE

C O N S O L I D A T I O N



FEDERAL GOVERNMENT



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
George Washington Memorial Parkway
c/o Turkey Run Park
McLean, Virginia 22101

L7619(GWMP)

JJN -2 1998

General Services Administration
Ann: Carl W. Winters
Realty Services (WPEMC)
7" and D Streets, SW
Washington, DC 20407

Re: Comments on Draft EIS - U.S. Patent and Trademark Office Consolidation

Dear Mr. Winters:

With regard to the proposed development of a new Patent and Trademark Office (PTO) facility, the George Washington Memorial Parkway (GWMP) has the following comments pertaining to the Crystal City alternate site:

- We are extremely concerned about the visual impact of having such a development in close proximity to the GWMP boundary and the precedent it might set for future development. **7.2-2**
- We are also concerned about the possibility of a sign on the building which might create a visual intrusion in the same manner as the sign on the existing PTO building. This sign is quite large and is clearly visible from the GWMP. **7.2-4**
- Location of a new PTO building along the GWMP would not be in keeping with the historic significance of the parkway. **7.1-6**

In general, we find the proposed Crystal City site to be objectionable and wish to discourage its selection. If, despite our objections, this location is selected, we strongly encourage GSA and the PTO to consider increasing the setback from the GWMP boundary to the maximum feasible distance and to take steps to soften the visual intrusion. Such steps would include architectural design, color selection, vegetation, sign avoidance, etc. We would, in such instance, wish to be included in the design review process to the maximum extent possible. **7.2-4**

Thank you very much for this opportunity to comment. GWMP Assistant Superintendent Michael Wilson is our contact on this project. You may reach hi by phone at 703-285-1920 if you have any questions. As you are aware, the comments listed above were presented orally by Mr. Wilson during your April 29, 1998, public hearing in Arlington.

General Services Administration

2

Again, it is our strong desire that another site, not along the George Washington Memorial Parkway, be selected.

Sincerely,

A handwritten signature in black ink, appearing to read "Audrey F. Calhoun". The signature is fluid and cursive, with the first name "Audrey" and last name "Calhoun" clearly distinguishable.

Audrey F. Calhoun
Superintendent



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

June 2, 1998

ER 98/241

Mr. Carl Winters
Realty Services
General Services Administration
National Capital Region
7th & D Streets, S.W.
Washington, D.C. 20407

Dear Mr. Winters:

Thank you for coordinating with the Department of the Interior (**Department**) concerning the **draft** Environmental Impact Statement for the U.S. Patent & Trademark Office Consolidation, Arlington County & City of Alexandria, Virginia

The Department has no comment concerning the draft document.

Again, thank you for providing the Department with the opportunity to review the draft document.

Sincerely,

Michael T. Chezik

Acting Regional Environmental Officer



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

L32 (NCSO-S&P)

JUN - 9 1998

Mr. Carl Winters
Realty Services
General Services Administration
National Capital Region
7th & D Streets, SW.
Washington, D.C. 20407

Dear Mr. Winters:

We offer the following comments regarding the Draft Environmental Impact Statement for the U.S. Patent and Trademark Office Consolidation in Arlington County and the City of Alexandria, Virginia.

The National Park Service manages the George Washington Memorial Parkway (GWMP). The first section of this parkway, the Mount Vernon Memorial Highway, authorized May 23, 1928, to preserve the natural scenery along the Potomac River, was completed in 1932 to commemorate the 200th anniversary of George Washington's birth. A 0.2-mile section of this unit of the National Park Service is adjacent to the existing Patent and Trade Office (PTO) Center, and the proposed Crystal City site detailed in the April 1998 Draft Environmental Impact Statement (DEIS).

The existing Crystal Park skyline is approximately 175 feet from the edge of the park. While these developments have utilized portions of a former railroad corridor, the narrow, vegetative screen provided by the parkway plantings and the building set back from the parkway, resulting from the relocated existing railroad corridor, has been relied upon to mitigate the visual impact of the buildings on the parkway.

The National Park Service has consistently commented upon the development of the former RF&P Railroad rail yard and its impact on the GWMP. When the Crystal Park site plan was approved in 1980, the visual protection afforded by the rail corridor was affirmed, when the air rights density over 11 acres of the corridor were calculated and used in the development of Crystal Park. The Crystal City scenario proposes to apparently use previously utilized in the air rights of the railroad corridor and place a building adjacent to the boundary.

5.2-3

Mr. Carl Winters

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The National Park Service is unalterably opposed to this massive, imposing, insensitive, apparently unnecessary and legally questionable Crystal City scenario proposal which would **overwhelm** and destroy the scenic qualities of the Mount Vernon Memorial Highway, and will aggressively oppose any proposal to build in the air **space** over the railroad corridor.

Section 4.4.2.1, page 4-54, indicates that the portion of the PTO Crystal Park over the railroad tracks would have a considerable amount of glass, has a commercial office character, and would **provide office** occupants with views of the parkway. The DEIS indicates that the proposed PTO building would have a **moderate** visual impact on the compromised quality of the visual **environment**, see page 4-55. In our **judgement**, the building will have an adverse affect on the parkway, one that would increase dramatically at night and during the winter months **when** there would be little or no foliage on the trees of the parkway.

7.2-2

The "Crystal City Site" is depicted in Figure 2.2.1-2 of the **DEIS**. If selected, Section 4.2.2.2 of the **DEIS**, indicates that several modifications of the completed Crystal Park site plan, approved by Arlington County in 1980, would be necessary. The Crystal City site includes a portion of a 49.90 acre RF&P railroad yard **property** that was developed as Crystal Park.

The Crystal Park **property** was rezoned from M-1 to C-O-1.5. Floor Area Ration (FAR) calculations in 1980, included nearly 11 acres (**718,740-square** feet of FAR) of air rights above the relocated railroad corridor, established a site plan density of **3,261,007-square** feet. However, Figure 3.2.1-1 of the DEIS now designates the railroad corridor as vacant/undeveloped land and **proposes** this air rights **area** for **further** development and density.

5.23

The Crystal Park site plan reflected construction to its full FAR potential. Section 2.2.1 indicates that approval of the PTO project in Crystal City would result in a new building of 244,000 rentable square feet **over** the railroad corridor. There is no description of the total square foot area of the building, which is proposed to occupy approximately 3.5 acres of air right area above the railroad corridor, or the fact that this FAR area of 228,690 was used in 1980.

5.2-3

A 1985 request to subdivide the site plan resulted in Arlington **County** approval with the caveat that "no additional density shall be allowed on any individual parcel formed by subdivision of the site" (see D.B. 2354 page 428, Crystal Park, sheets 1 through 7, Arlington County Land Records, **Plat** Showing Crystal Park, recorded October 24, 1988). A **review** of the record plat indicates that **pipestem** parcels, Parcels **2A, 3A,** and 4A would be the recipient of the proposed new building. A notation on this plat also provides that no additional density shall be allowed on any individual parcel formed by subdivision of the site.

5.2-3

In addition to moving the building mass of the Crystal Park development to the edge of the parkway, it is indicated, in Section 4.4.2.1, page 4-59 of the **DEIS**, that the proposed mitigation is to landscape and provide selective tree planting east of the PTO Center. This planting and screen would have the developers **seeking** use to screen the impact of their commercial development, as the use of their own property would not allow any mom for screen planting of the air rights building. Simply, the developers have exceeded any ability to **confine** the effects of their

7.2-3

Mr. Carl Winters

3

proposal on their own property. Also, Section 4.4.1.1, Page 4-43 of the DEIS, indicates that trees on the GWMP, comprising the visual screen of the current building masses, could be disturbed during construction of the proposed PTO structure.

Section 4.2.2.6, page 4-20 of the DEIS, indicates that under the No Action Alternative, the PTO would lease additional office space throughout the Crystal City area, and the space requirements of the PTO would not be developed on any of the three sites. The DEIS indicates, however, that by-right development would occur overtime at each site. This prediction indicates that development potential exists at Crystal Park, and is contrary to Section 4.4.1.4, page 4-49 of the DEIS, which indicates that selection of the No Action Alternative would likely not result in construction over the railroad yards since the site currently maximizes permitted density.

5.2-10

Notably, Section 4.4.2.1., page 4-59, indicates without description, that alternatively, the PTO Center could be constructed elsewhere within the site. We recommend consideration of this unexplained option, the alternative of utilizing other office space within either the Crystal Park or Crystal Plaza site plan, or the selection of either the Carlyle or Eisenhower Avenue sites.

If you have any questions with regard to these comments, please contact Mr. Glenn DeMarr, Project Manager, Office of Stewardship and Partnerships, National Capital Support Office, at (202) 619-7027.

Sincerely,



John G. Parsons
Associate Superintendent
Stewardship and Partnerships



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
941 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

MAY 29 1998

Mr. Carl W. Winters
General Services Administration
Realty Services (WPEMC)
7th and D Street, SW.
Washington, D.C. 20407

RE: Draft Environmental Impact Statement (DEIS) for the U.S. Patent & Trademark Office
Consolidation; April 1998.

Dear Mr. Winters:

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, EPA has reviewed the above referenced document. Thank you for extending the comment period to June 1, 1998 so that we were able to complete our review.

EPA has rated this document an EC-2, which indicates that EPA has environmental concerns regarding this proposal and that the document does not contain sufficient information to fully assess the environmental impacts of the proposal. A copy of our rating systems is enclosed for your use. The principal basis for this rating are some deficiencies in environmental justice issues and contaminations at some study sites. The following comments on these issues and others provided in the following should be addressed in the Final Environmental Impact Statement (Final EIS).

Regarding environmental justice, your document must describe a full and complete analysis of the project's effects on the Environmental Justice (EJ) communities in the area in accordance with the President's Executive Order on Environmental Justice (EO 12898), which your document describes in Section 3.3.3. This order, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," provides that "each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations." Simply put, EJ means the fair treatment of people of all races, income, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Fair treatment implies that no person or group of people should shoulder an unequal share of negative environmental impacts resulting from the execution of federal programs or policies.

One of our EJ concerns is that the "geographic neighborhoods" described in your document may be so large as to mask smaller neighborhoods that may contain minority and low-income populations. In making EJ determinations, researchers must be far more proactive in

6.1-1

outreaching and engaging minority and low income populations than such typical efforts as issuing public notices through various media. Such proactive efforts could include engaging these populations through local churches and even door to door. In addition, some assessment needs to be made of minority-owned businesses and the potential impacts to these businesses from construction activities (such as from closed sidewalks and streets during construction) and the potential consolidation and relocation of the Patent & Trademark Office.

6.1-2

6.1-1

In the memorandum to heads of departments and agencies that accompanied Executive Order 12898, the President specifically recognized the importance of procedures under the National Environmental Policy Act (NEPA), for identifying and addressing environmental justice concerns. The memorandum states that “[each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA.” These issues are clearly within the scope of analysis required by the NEPA document for the New Washington Convention Center.

The Presidential Memorandum emphasizes the need for public participation and access to information, which appear lacking in this document. The Memorandum further states that each federal agency “shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents and notices.”

6.1-2

The key ideas from the Executive Order and memorandum include:

1. Determining if and when there is an unequal share of negative environmental impacts (environmental impacts include impacts to cultural resources)
2. Identifying and addressing concerns
3. Analyzing the environmental effects, including human health, economic and social effects
4. Public participation and access to information
5. Identifying potential effects and mitigation measures in consultation with affected communities

The following are some factors that the Draft Guidance for Addressing Environmental Justice Reviews Conducted Pursuant to Section 309 of the Clean Air Act (July 19, 1995) suggests should be addressed in the EIS process:

Social/Economic/Cultural

- a) impacts or possible violation of a community’s customs or religious practices

6 . 1 - 1

- b) impacts to cultural and/or historic properties and areas, the degree to which the effects of the actions can be absorbed by the affected population without **harm** to its cohesiveness
- c) degradation of aesthetic values

Finally, the analysis of Environmental Justice issues must provide full disclosure on the analytical process undertaken to identify environmental justice concerns and all findings and conclusions should be disclosed to and discussed with all affected parties. Again, we recommend that a more proactive, on-the-ground approach be employed to identify and assess EJ communities and businesses in the study area.

6.1-2
6.1-1

With regard to site contaminations, all documentation of closure of **Underground Storage Tanks** and Environmental Compliance should be obtained from the site developers and environmental compliance issues thoroughly evaluated prior to preparation of the Final EIS. We recommended that these issues be documented in matrix form so that it can be easily determined what closure documents are available and what legal requirements have not been met. The comments concerning potential contamination at all three sites (other than the No Action alternative) raised during the 29-30 April 1998 public hearings and comment period should be addressed and any **further** sampling and analyses be obtained to demonstrate resolution of these issues. Potential soil and **groundwater** contamination at the sites by the developer(s) should also be included

9.3-9

The potential for remediation at the **Carlyle** site **being** extended into the Eisenhower Avenue site should also be evaluated. The potential cost to the government of the disposal of potentially contaminated soil or contaminated groundwater should be considered and the information included in an appendix on each site. Potential disposal costs of the excavated soil, based on the known concentrations of any contaminants in the soil samples from the sites, should also be included in the documentation. Finally, a **full** assessment of groundwater relative to its use as a potable source should be made.

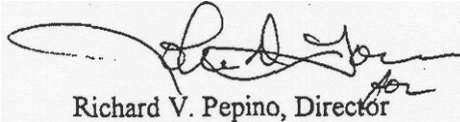
9.3-15

6.2-1

4.2-1

Thank you for the opportunity to comment on this **DEIS**. Please feel free to contact us should you have questions regarding our comments.

Sincerely,



Richard V. Pepino, Director
Office of Environmental Programs

NATIONAL CAPITAL PLANNING COMMISSION

COMMISSION
MEMBERSAppointed by the
President of the United StatesHarvey B. Gantt
CHAIRMANRobert A. Gaines
Margaret G. VanderhyeAppointed by the
Mayor of the District of ColumbiaArrington Dixon
Dr. Patricia ElwoodSecretary of Defense
Honorable William S. CohenSecretary of the Interior
Honorable Bruce BabbittAdministrator of General Services
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Governmental Affairs
United States Senate
Honorable Fred ThompsonChairman, Committee on
Government Reform and Oversight
U.S. House of Representatives
Honorable Dan BurtonMayor, District of Columbia
Honorable Marion S. Barry, Jr.Chairman, Council of the
District of Columbia
Honorable Linda W. CroppIN REPLY REFER TO:
NCPC File No. 5735

MAY 08 1998

Mr. Carl Winters
General Services Administration
Realty Services (WPEMC)
7th and D Streets, S.W.
Washington, D.C. 20407

Dear Mr. Winters:

Thank you for the opportunity to review and comment on the **Draft** Environmental Impact Statement (EIS) for the proposed U.S. Patent and Trademark Office (PTO) Consolidation in northern Virginia. As you know, our staff offered comments in a letter dated June 17, 1997, during the scoping process and we are pleased that the EIS addresses most of those comments. We hope our comments, which our Commission considered at its May 7, 1998 meeting, **will** assist the General Services Administration (GSA) in the preparation of the **final** EIS.

The Commission is cognizant that this matter involves a competitive procurement and that there are three competing offerors. At this time no selection has been made. This letter does not express a preference for any offeror or indeed take a position on any particular offer. These **comments** on the DEIS **are** limited **to** the Commission's role as the central planning agency for the federal government in the National Capital Region and only express our views generally on planning and **environmental** issues.

The Commission commends GSA for preparing a comprehensive document that assesses the potential impacts of consolidation at the three alternative sites. The DEIS sufficiently describes and analyzes the alternatives and the study areas. We acknowledge that the **DEIS** adequately reports the archaeological and historic resources within each area and evaluates the potential impacts or effects on such resources. Inclusion of goals, objectives, **and** policies **from** the Comprehensive Plan for the National Capital and a comparison of the alternatives to relevant Comprehensive Plan elements have assisted **staff in** its evaluation of the alternatives' conformance with planning policies and principles. The DEIS addresses major transportation and environmental impacts and offers mitigation measures where needed.

EXECUTIVE DIRECTOR
Reginald W. Griffith



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

L32 (NCSO-S&P)

JUN - 9 1998

Mr. Carl Winters
Realty Services
General Services Administration
National Capital Region
7th & D Streets, SW.
Washington, D.C. 20407

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Mr. Carl Winters

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Sincerely,



John G. Parsons
Associate Superintendent
Stewardship and Partnerships



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
941 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

MAY 29 1998

Mr. Carl W. Winters
General Services Administration
Realty Services (WPEMC)
7th and D Street, SW.
Washington, D.C. 20407

RE: Draft Environmental Impact Statement (DEIS) for the U.S. Patent & Trademark Office
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Dear Mr. Winters:

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, EPA has reviewed the above referenced document. Thank you for extending the comment period to June 1, 1998 so that we were able to complete our review.

EPA has rated this document an EC-2, which indicates that EPA has environmental concerns regarding this proposal and that the document does not contain sufficient information to fully assess the environmental impacts of the proposal. A copy of our rating systems is enclosed for your use. The principal basis for this rating are some deficiencies in environmental justice issues and contaminations at some study sites. The following comments on these issues and others provided in the following should be addressed in the Final Environmental Impact Statement (Final EIS).

Regarding environmental justice, your document must describe a full and complete analysis of the project's effects on the Environmental Justice (EJ) communities in the area in accordance with the President's Executive Order on Environmental Justice (EO 12898), which your document describes in Section 3.3.3. This order, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," provides that "each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations." Simply put, EJ means the fair treatment of people of all races, income, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Fair treatment implies that no person or group of people should shoulder an unequal share of negative environmental impacts resulting from the execution of federal programs or policies.

One of our EJ concerns is that the "geographic neighborhoods" described in your document may be so large as to mask smaller neighborhoods that may contain minority and low-income populations. In making EJ determinations, researchers must be far more proactive in

6.1-1

outreaching and engaging minority and low income populations than such typical efforts as issuing public notices through various media. Such proactive efforts could include engaging these populations through local churches and even door to door. In addition, some assessment needs to be made of minority-owned businesses and the potential impacts to these businesses from construction activities (such as from closed sidewalks and streets during construction) and the potential consolidation and relocation of the Patent & Trademark Office.

6.1-2

6.1-1

In the memorandum to heads of departments and agencies that accompanied Executive Order 12898, the President specifically recognized the importance of procedures under the National Environmental Policy Act (NEPA), for identifying and addressing environmental justice concerns. The memorandum states that “[each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA.” These issues are clearly within the scope of analysis required by the NEPA document for the New Washington Convention Center.

The Presidential Memorandum emphasizes the need for public participation and access to information, which appear lacking in this document. The Memorandum further states that each federal agency “shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents and notices.”

6.1-2

The key ideas from the Executive Order and memorandum include:

1. Determining if and when there is an unequal share of negative environmental impacts (environmental impacts include impacts to cultural resources)
2. Identifying and addressing concerns
3. Analyzing the environmental effects, including human health, economic and social effects
4. Public participation and access to information
5. Identifying potential effects and mitigation measures in consultation with affected communities

The following are some factors that the Draft Guidance for Addressing Environmental Justice Reviews Conducted Pursuant to Section 309 of the Clean Air Act (July 19, 1995) suggests should be addressed in the EIS process:

Social/Economic/Cultural

- a) impacts or possible violation of a community’s customs or religious practices

6 . 1 - 1

- b) impacts to cultural and/or historic properties and areas, the degree to which the effects of the actions can be absorbed by the affected population without **harm** to its cohesiveness
- c) degradation of aesthetic values

Finally, the analysis of Environmental Justice issues must provide full disclosure on the analytical process undertaken to identify environmental justice concerns and all findings and conclusions should be disclosed to and discussed with all affected parties. Again, we recommend that a more proactive, on-the-ground approach be employed to identify and assess EJ communities and businesses in the study area.

6.1-2
6.1-1

With regard to site contaminations, all documentation of closure of **Underground Storage Tanks** and Environmental Compliance should be obtained from the site developers and environmental compliance issues thoroughly evaluated prior to preparation of the Final EIS. We recommended that these issues be documented in matrix form so that it can be easily determined what closure documents are available and what legal requirements have not been met. The comments concerning potential contamination at all three sites (other than the No Action alternative) raised during the 29-30 April 1998 public hearings and comment period should be addressed and any **further** sampling and analyses be obtained to demonstrate resolution of these issues. Potential soil and **groundwater** contamination at the sites by the developer(s) should also be included

9.3-9

The potential for remediation at the **Carlyle** site **being** extended into the Eisenhower Avenue site should also be evaluated. The potential cost to the government of the disposal of potentially contaminated soil or contaminated groundwater should be considered and the information included in an appendix on each site. Potential disposal costs of the excavated soil, based on the known concentrations of any contaminants in the soil samples from the sites, should also be included in the documentation. Finally, a **full** assessment of groundwater relative to its use as a potable source should be made.

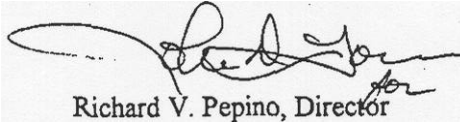
9.3-15

6.2-1

4.2-1

Thank you for the opportunity to comment on this **DEIS**. Please feel free to contact us should you have questions regarding our comments.

Sincerely,



Richard V. Pepino, Director
Office of Environmental Programs

NATIONAL CAPITAL PLANNING COMMISSION

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MAY 08 1998

Mr. Carl Winters
General Services Administration
Realty Services (WPEMC)
7th and D Streets, S.W.
Washington, D.C. 20407

Dear Mr. Winters:

Thank you for the opportunity to review and comment on the **Draft** Environmental Impact Statement (EIS) for the proposed U.S. Patent and Trademark Office (PTO) Consolidation in northern Virginia. As you know, our staff offered comments in a letter dated June 17, 1997, during the scoping process and we are pleased that the EIS addresses most of those comments. We hope our comments, which our Commission considered at its May 7, 1998 meeting, **will** assist the General Services Administration (GSA) in the preparation of the **final** EIS.

The Commission is cognizant that this matter involves a competitive procurement and that there are three competing offerors. At this time no selection has been made. This letter does not express a preference for any offeror or indeed take a position on any particular offer. These **comments** on the DEIS **are** limited **to** the Commission's role as the central planning agency for the federal government in the National Capital Region and only express our views generally on planning and **environmental** issues.

The Commission commends GSA for preparing a comprehensive document that assesses the potential impacts of consolidation at the three alternative sites. The DEIS sufficiently describes and analyzes the alternatives and the study areas. We acknowledge that the **DEIS** adequately reports the archaeological and historic resources within each area and evaluates the potential impacts or effects on such resources. Inclusion of goals, objectives, **and** policies **from** the Comprehensive Plan for the National Capital and a comparison of the alternatives to relevant Comprehensive Plan elements have assisted **staff in** its evaluation of the alternatives' conformance with planning policies and principles. The DEIS addresses major transportation and environmental impacts and offers mitigation measures where needed.

EXECUTIVE DIRECTOR
Reginald W. Griffith

Mr. Carl Winters
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We note that GSA has included as **Appendix K** of the DEIS, a prospectus lease for the proposed PTO consolidation, the parameters **of which** are reflected in the **DEIS**. We also note that the *Procedures for Commission Review and Comment on Prospectuses for Proposed Federal Acquisitions and Leasing in the National Capital Region* adopted by the Commission in 1988 (see attached) requires GSA to submit the consolidation project for Commission review in accordance with Section 5 of the National Capital Planning Act. Section 5 requires each federal agency, prior to **proceeding** with construction plans, to submit its plans to the Commission for review. The Commission's review covers all aspects of the project, **including** planning and design.

**Comment
Noted**

A **primary** pm-pose of Commission **policy** as set forth in these *Procedures* is to **ensure** that lease with an option-to-purchase proposals are not inconsistent **with** the Comprehensive **Plan**. This includes Comprehensive Plan goals and policies related to the relative distribution of federal employment in the region and the George Washington Memorial Parkway (GWMP). The Commission maintains its long-standing Comprehensive Plan objective of attaining a **60 percent** distribution of federal employees in the District and 40 percent elsewhere in the National Capital Region (NCR) while acknowledging the Congressional mandate requiring **that this** project be located in *northern Virginia*. Currently, the city has only 52.2 percent of the total civilian and military federal employment in the region. Regarding GWMP, the Commission seeks to avoid or **minimize** potential visual impacts on the parkway.

**Comment
Noted**

Given the impending relocation of the Naval Sea Systems Command out of Arlington County, the Commission is sensitive to the potential adverse impact of another major federal employer relocating outside **of the county**. We encourage the reuse of existing facilities, where feasible, which (given the proposed redevelopment **of/near** the existing PTO facilities) the Crystal City build alternative will support. Reuse of existing facilities will generally reduce the need to use additional resources (natural, financial) and minimize the potential to change commuter patterns and potential to change residences. Keeping a major federal employer closer to the inner core of the region will support the region's vitality..

**Comment
Noted**

3-3

If the Crystal City site is selected, we recommend that the design mitigate potential adverse **visual** impacts on the GWMP. Currently, we are concerned that **the** design, based on the model contained in **the** DEIS, will generate unacceptable negative **visual** impacts along the parkway. We advise that consolidation at Crystal City will need to

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incorporate design and landscaping considerations, such as adequate setbacks and buffers, that can minimize **visual** impacts on and preserve the character of the parkway. Further, the mitigation measures contained in Section 4.4.2.1 seem to indicate that the potential building closest to the parkway is not necessary in this location and, alternatively, this building could be constructed elsewhere within the PTO Center site. The Comprehensive Plan, within the Parks, Open Space and Natural Features element, contains a policy that pertains to the protection of the scenic qualities of the historic gateway of the **GWMP**. The EIS should cite this policy.

7.2-2

7.2-1

Because of the archaeological artifacts that may be present at all three sites, we recommend that the EIS also incorporate the Comprehensive Plan policy contained in the Preservation and Historic Features element, which states that archaeological resources should be retained intact, where feasible. The Comprehensive Plan section of the attached report cites the specific language.

7.1-2

The Commission recognizes that all currently **identified** sites share disadvantages. First, projected parking at all three sites will exceed the applicable Comprehensive Plan employee parking standard of one parking space per three employees. We urge GSA to address, in the EIS and the Transportation Management Plan, the need to achieve conformity with the Comprehensive Plan employee parking standard. The parking standard would permit each site to accommodate 2,367 employee parking spaces, compared to the 3,600 spaces proposed at the Crystal City and Eisenhower Avenue sites and the 3,800 spaces proposed at the **Carlyle** site. Given each site's location near Metrorail stations and access to Metrobus; PTO **should** strongly encourage the use of **public** transit, **carpools**, and vanpools. Second, archaeological resources potentially exist at all three sites. Third, consolidation at the **Carlyle** and Eisenhower Avenue sites would more severely affect the local road network, even with mitigation, than would consolidation at the Crystal City site. As part of a cumulative impact analysis, the EIS should assess the **traffic** impacts of sites when construction of a new **Woodrow Wilson Bridge** begins and is concluded.

8.7-4

8.1-3

Furthermore, PTO consolidation at the **Carlyle** and Eisenhower Avenue sites, with their associated **large** parking garages, may very well generate adverse visual impacts both within the proposed PTO complex and from the Capital Beltway, which is part of the federal interstate **highway** system. We recommend that the EIS assess the

Mr. Carl Winters

Page Four

tradeoff **between** the visual impacts of parking garages and the **security issues** associated with garages and alternative parking **accommodations** such as underground parking.

7.2-9

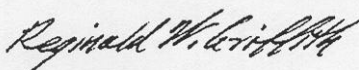
We recommend the **final** document address two transportation and environmental issues. The **first** is that the **TMP** determine the **agency(ies)** that will monitor the success of strategies and that the EIS **list** the responsible **agency(ies)**. The second issue is that the EIS should also assess potential building materials and design, site layout, and landscaping for energy conservation methods.

8.7-5

10.1-1

We appreciate your consideration of our comments and recommendations which the enclosed Executive Director's Recommendation discusses in greater detail. **Please** let us know **if we** can further assist you as you prepare the **final** environmental document.

Sincerely,



Reginald W. Griffith
Executive Director

Enclosure